

GAVRILOV & BROOKS
Ognian Gavrilov, SBN 258583
Matthew R. Richard, SBN 340084
2315 Capitol Avenue
Sacramento, CA 95816
Telephone: (916) 504-0529
Fax: (916) 727-6877
Email: ognian@gavrilovlaw.com
mrichard@gavrilovlaw.com

Attorneys for Plaintiff STANLEY ELLIS

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP
James P. Wagoner, #58553
Brandon M. Fish, #203880
7647 North Fresno Street
Fresno, California 93720
Telephone: (559) 433-1300
Facsimile: (559) 433-2300
Email: jim.wagoner@mccormickbarstow.com
brandon.fish@mccormickbarstow.com

Attorneys for Defendant GOVERNMENT
EMPLOYEES INSURANCE COMPANY

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

STANLEY ELLIS,

Plaintiff,

v.

GOVERNMENT EMPLOYEE INSURANCE
COMPANY, a Maryland Corporation,

Defendant.

Case No. 2:22-cv-01580-WBS-JDP

**JOINT STIPULATION AND ORDER TO
CONTINUE HEARING ON MOTION
FOR SUMMARY JUDGMENT AND TO
MODIFY SCHEDULING ORDER TO
CONTINUE DATES FOR FINAL
PRETRIAL CONFERENCE AND TRIAL**

The Hon. William B. Shubb

Trial Date: April 30, 2024

Plaintiff STANLEY ELLIS ("Plaintiff") and Defendant GOVERNMENT EMPLOYEES

1 INSURANCE COMPANY (“Defendant”) (collectively “the Parties”) respectfully submit this
2 Stipulation and [Proposed] Order to the Court for approval.

3 WHEREAS, the Court’s Initial Pretrial Scheduling Order dated January 13, 2023 (Dkt. 18)
4 states that: “All motions, except motions for continuances, temporary restraining orders, or other
5 emergency applications, shall be filed on or before December 15, 2023.”

6 WHEREAS, the Court’s Initial Pretrial Scheduling Order dated January 13, 2023 (Dkt. 18)
7 set the Final Pretrial Conference in this action for February 26, 2024 at 1:30 p.m. in Courtroom 5.

8 WHEREAS, the Court’s Initial Pretrial Scheduling Order dated January 13, 2023 (Dkt. 18)
9 set the jury trial in this action on April 30, 2024 at 9:00 a.m.

10 WHEREAS, on December 15, 2023, Defendant filed a Motion for Summary Judgment or,
11 alternatively, for Partial Summary Judgment (Dkt. 22) (“Defendant’s Motion for Summary
12 Judgment”) which is presently scheduled to be heard on January 22, 2024.

13 WHEREAS, Plaintiff’s Opposition to Defendant’s Motion for Summary Judgment is due
14 on December 29, 2023, and Defendant’s Reply to such Opposition is due on January 8, 2024.

15 WHEREAS, on December 20, 2023, Defendant filed a Consent Order Granting
16 Substitution of Attorney replacing the law firm of Sheppard Mullin Richter & Hampton LLP with
17 the law firm of McCormick Barstow Sheppard Wayte & Carruth LLP as Defendant’s attorneys of
18 record in this action.

19 WHEREAS, on December 20, 2023, counsel for the Parties agreed to continue the January
20 22, 2024 hearing on Defendant’s Motion for Summary Judgment (1) to change the due date for the
21 filing of Plaintiff’s Opposition to that Motion in order to accommodate the schedule of Plaintiff’s
22 counsel during the holidays, and (2) to provide Defendant’s new counsel, McCormick Barstow
23 Sheppard Wayte & Carruth LLP, time to obtain the file materials from Defendant’s prior counsel
24 and to review such materials before being required to prepare a Reply to Plaintiff’s Opposition.

25 WHEREAS, the Court’s Clerk advised counsel for Plaintiff on December 19, 2023 that a
26 hearing date of February 20, 2024 at 1:30 p.m. is available for the hearing on Defendant’s Motion
27 for Summary Judgment.

28 WHEREAS, because the Final Pretrial Conference is scheduled for February 26, 2024 and

1 trial is scheduled for April 30, 2024, continuing the hearing on Defendant's Motion for Summary
2 Judgment to February 20, 2024 will also require a continuance of the dates for the Final Pretrial
3 Conference and for trial.

4 WHEREAS, during the December 20, 2023 call between counsel for the Parties, the
5 Parties agreed: (1) to continue the hearing on Defendant's Motion for Summary Judgment from
6 January 22, 2024 to February 20, 2024 with Plaintiff's Opposition being due on January 16, 2024
7 and Defendant's Reply being due on February 6, 2024; (2) to continue the Final Pretrial
8 Conference from February 26, 2024 to May 6, 2024 or May 20, 2024 depending on the Court's
9 availability; and (3) the trial from April 30, 2024 to July 16, 2024, July 30, 2024 or August 20,
10 2024 depending on the Court's availability.

11 THEREFORE, based on the foregoing, the Parties hereby stipulation and agree, and
12 respectfully request that the Court order, as follows:

13 1. The hearing on Defendant's Motion for Summary Judgment be continued from
14 January 22, 2024 at 1:30 p.m. in Courtroom No. 5 to February 20, 2024 at 1:30 p.m. in Courtroom
15 No. 5;

16 2. Plaintiff's Opposition to Defendant's Motion for Summary Judgment will be due
17 no later than January 16, 2024;

18 3. Defendant's Reply to Plaintiff's Opposition will be due no later than February 6,
19 2024;

20 4. The Court's Initial Pretrial Scheduling Order dated January 13, 2023 (Dkt. 18) be
21 modified to continue the Final Pretrial Conference from February 26, 2024 at 1:30 p.m. in
22 Courtroom No. 5 to May 6, 2024 or May 20, 2024 at 1:30 p.m. in Courtroom No. 5 based on the
23 Court's availability; and

24 5. The Court's Initial Pretrial Scheduling Order dated January 13, 2023 (Dkt. 18) be
25 modified to continue the jury trial from April 30, 2024 at 9:00 a.m. to July 16, 2024 at 9:00 a.m.

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1 Dated: December 22, 2023

GAVRILOV & BROOKS

2
3 By: /s/ Matthew R. Richard

Ognian Gavrilov

4 Matthew R. Richard

5 Attorneys for Plaintiff STANLEY ELLIS

6 Dated: December 22, 2023

McCORMICK, BARSTOW, SHEPPARD,
7 WAYTE & CARRUTH LLP

8
9 By: /s/ James P. Wagoner

James P. Wagoner

10 Brandon M. Fish

11 Attorneys for Defendant GOVERNMENT EMPLOYEE
INSURANCE COMPANY

ORDER

The Court, having reviewed the Parties' Joint Stipulation filed on December 22, 2023, and good cause showing, **HEREBY ORDERS** as follows:

1. The hearing on Defendant's Motion for Summary Judgment or, alternatively, Partial Summary Judgment (Dkt. 22) ("Defendant's Motion for Summary Judgment") be continued from January 22, 2024 at 1:30 p.m. in Courtroom No. 5 to **February 20, 2024 at 1:30 p.m.** in Courtroom No. 5;

2. Plaintiff's Opposition to Defendant's Motion for Summary Judgment will be due no later than January 16, 2024;


3. Defendant's Reply to Plaintiff's Opposition will be due no later than February 6, 2024;

4. The Court's Initial Pretrial Scheduling Order dated January 13, 2023 (Dkt. 18) is modified to continue the Final Pretrial Conference from February 26, 2024 at 1:30 p.m. in Courtroom No. 5 to **May 6, 2024 at 1:30 p.m.** in Courtroom No. 5; and

5. The Court's Initial Pretrial Scheduling Order dated January 13, 2023 (Dkt. 18) is modified to continue the jury trial from April 30, 2024 at 9:00 a.m. to **July 16, 2024 at 9:00 a.m.**

IT IS SO ORDERED.

Dated: December 26, 2023


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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